t Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Edwin C. Walker, Acting Federal Public Defender, G. Alan DuBois, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. Janice McKenzie Cole, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Barbara D. Kocher, Assis-
tant United States Attorney, Michael D. Bredenberg, Special Assis-
tant United States Attorney, Raleigh, North Carolina, for Appellee.

OPINION

PER CURIAM:

William J. Blohm appeals from the district court's order declining to release him from the custody of the Attorney General pursuant to 18 U.S.C. S 4247(h) (1994). Blohm was originally committed under 18 U.S.C. S 4246 (1994), in 1986 when the district court found that he was "presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another." 18 U.S.C. S 4246(d). In order for Blohm to obtain his release following that finding, the district court must find, by a preponderance of the evidence, that he has recovered from his mental disease or defect to such an extent that his release would no longer create a substantial risk of harm to others. See 18 U.S.C. S 4246(e). The district court's finding will not be overturned on appeal unless it is clearly erroneous. See United States v. Cox, 964 F.2d 1431, 1433 (4th Cir. 1992).

Blohm concedes that he suffers from a long-standing mental ill-ness, but he argues that there is no evidence to support a finding that he presents a substantial risk of harm to others because he has never exhibited any violent behavior, nor has he ever acted on any of his threats. However, "[o]vert acts of violence are not required to demon-strate dangerousness." United States v. S.A. , 129 F.3d 995, 1001 (8th

Cir. 1997) (citing United States v. Ecker, 30 F.3d 966, 970 (8th Cir. 1994)); see also United States v. Steil, 916 F.2d 485, 487-88 (8th Cir. 1990) (holding that delusions and threats were enough to prove dangerousness even though defendant never had the opportunity to act on them).

Moreover, both Blohm's treating physicians at FCI-Butner and an independent psychiatrist appointed to evaluate him concluded that Blohm continues to meet the criteria for commitment under S 4246. There is no medical opinion to the contrary in the record.

Because we do not find that the district court's conclusions were clearly erroneous, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the
materials before the court and argument would not aid the decisional
process.

AFFIRMED

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v. No. 99-4497

RANDOLPH E. DAWSON,
Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Virginia, at Alexandria.
Leonie M. Brinkema, District Judge.
(CR-99-88)

Argued: April 4, 2000

Decided: May 19, 2000

Before WILKINSON, Chief Judge, TRAXLER, Circuit Judge,
and Roger J. MINER, Senior Circuit Judge of the
United States Court of Appeals for the Second Circuit,
sitting by designation.

Affirmed by unpublished per curiam opinion.

COUNSEL

ARGUED: Dale Warren Dover, Alexandria, Virginia, for Appellant.

Andrew L. Snowdon, Special Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee. ON BRIEF: Helen F. Fahey, United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

OPINION

PER CURIAM:

Randolph Dawson appeals from a judgment of conviction entered in the district court on one count of operating a motor vehicle after having been declared an habitual offender in violation of 18 U.S.C. S 13, assimilating Va. Code S 46.2-357(B)(3). On the night of January 25, 1999, Dawson drove a vehicle onto the U.S. Marine Corps Base in Quantico, Virginia and could not produce a driver's license when asked to do so at the gate. He was arrested after the gatekeeper ran a Virginia Criminal Information Network check that showed Dawson's license had been revoked and that he had two previous convictions in Virginia for driving on a suspended license.

On May 5, 1999, a bench trial was held in the district court. The evidence at trial showed that Dawson had been adjudicated an habitual offender by order of the Circuit Court of Fairfax County, Virginia dated May 21, 1992, and that his license to drive had been revoked pursuant to S 46.2-355 of the Virginia Code. The revocation came after several convictions for driving under the influence of alcohol, the last one arising from a January 1992 incident that led to Dawson's conviction for "Driving While Intoxicated, 3rd Offense within 5 years." The evidence also showed that since losing his license, Dawson had pled guilty on two occasions to driving on a suspended license, once in the General District Court of Prince William County on February 13, 1995 and again in the General District Court of Fair-

fax County on March 31, 1995. Based on these facts, the court found
Dawson guilty of one count of "Unlawful Operation of a Motor Vehi-
cle While a[n] Habitual Offender," in violation of 18 U.S.C. S 13,
assimilating Va. Code S 46.2-357(B)(3).

The district court continued the case for sentencing until July 2,
1999, pending completion of the presentencing investigation and
report. On that date, Dawson asserted that his conviction had been

rendered a nullity by the July 1, 1999 legislative repeal of the adjudi-
cation provisions of the Virginia Habitual Offender Act, Va. Code SS 46.2-351 through 46.2-355. The government opposed the motion to set aside the conviction on the ground that only the adjudication provisions, but not the enforcement provision, of the habitual offender statute had been done away with under the new law. The court found that the legislature had made administrative and procedural changes to the law governing serious traffic offenses, but that the "underlying substantive offense" with which Dawson was charged "still [wa]s on the books." The court therefore imposed a sentence of eighteen months in prison, three years supervised release and a $100 special assessment. This appeal followed.

We review questions of statutory construction de novo. See United Mine Workers v. Martinka Coal Co., 202 F.3d 717, 720 (4th Cir. 2000). Dawson likens his case to that of the defendants in United States v. Chambers, 291 U.S. 217 (1934). There, the indictments under the National Prohibition Act were dismissed after passage of the Twenty-First Amendment, on the basis of the rule that criminal prosecutions must be halted when their underlying law has lost its force. See id. at 222-23. We find that argument unpersuasive here. An examination of Chapter 945 of the Virginia Acts of Assembly, 1999 -- entitled "An Act to amend and reenact [fourteen subsections] of the Code of Virginia, to amend the Code of Virginia by adding a sec-
tion numbered 46.2-355.1, and to repeal SS 46.2-351 through 46.2-355 of the Code of Virginia, relating to habitual offenders; penalty" (hereinafter, "the Act") -- shows that Chambers is inapposite. Even though the Act puts an end to new convictions for the crime of being an "habitual offender," the law evinces no intent to deprive the state of its enforcement power to penalize those who had already been

adjudged habitual offenders prior to its enactment.

Section 46.2-357, the enforcement section of the old habitual offender statute, is hardly changed, having acquired in its definitional
subsectio